

# **Exhibit 10**

**From:** [Howe, Dennis D.](#)  
**To:** ["Andrew Wirmani"](#)  
**Cc:** [Megan Rapp](#); [Beynon, Rebecca A.](#)  
**Subject:** RE: NWAP Subpoena in FTC/USAP case  
**Date:** Wednesday, February 19, 2025 12:42:43 PM

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Andrew,

Thanks for taking my call just now. This note is to confirm that, pursuant to LR7 of the S.D. Tex. Local Rules, we have met and conferred about the possibility of a motion to compel NWAP's facility and payor contracts, and that the parties are at impasse regarding these requests. You said you would confirm that with your client today – please let us know when you hear back so that USAP can seek relief.

Thanks,

Dennis

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**From:** Andrew Wirmani  
**Sent:** Monday, January 20, 2025 6:16 PM  
**To:** Howe, Dennis D.  
**Cc:** Megan Rapp ; Beynon, Rebecca A.  
**Subject:** [EXTERNAL] Re: NWAP Subpoena in FTC/USAP case

Dennis,

I apologize for the delay on this. After reviewing the logistics of getting consent to produce the provider and insurance contracts, we believe the efforts are too onerous for third party discovery, especially given the small size of NWAP and its minuscule market share. Accordingly, we intend to stand on our objections for the time being.

Best

Andrew

**Reese Marketos LLP**

**Andrew Wirmani**

750 N. Saint Paul St., Suite 600

Dallas, Texas 75201

Main: (214) 382-9810 | Direct: (214) 382-3054

On Jan 17, 2025, at 9:45 AM, Howe, Dennis D. <[dhowe@kellogghansen.com](mailto:dhowe@kellogghansen.com)> wrote:  
[EXTERNAL EMAIL]

Andrew –

Following up on my email below. We need to understand the progress and timing on production of NWAP's contracts. Depositions are in full swing now, and fact discovery closes in April. The majority of other providers have produced their payer and facility contracts at this point, and we need to understand what is forthcoming from NWAP so that we can, if necessary, seek appropriate relief.

I think we should get a M&C on the calendar for next week. I have good availability Monday morning, Wednesday outside of 11-12 ET, and Thursday morning. Please let me know what works for you.

Thanks,

Dennis

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**From:** Howe, Dennis D.  
**Sent:** Tuesday, January 7, 2025 3:41 PM  
**To:** 'Andrew Wirmani' <[andrew.wirmani@rm-firm.com](mailto:andrew.wirmani@rm-firm.com)>  
**Cc:** Megan Rapp <[mrapp@srg-law.com](mailto:mrapp@srg-law.com)>; Grody, Michael J. <[mgrody@kellogghansen.com](mailto:mgrody@kellogghansen.com)>;

Oppenheimer, Bradley E. <[boppenheimer@kellogghansen.com](mailto:boppenheimer@kellogghansen.com)>

**Subject:** RE: NWAP Subpoena in FTC/USAP case

Hi Andrew –

Hope all is well. I wanted to check in about NWAP's production of payer and facility contracts in response to the subpoena. Has NWAP made any progress on the front? When do you expect to be able to produce an initial tranche of those contracts? Let me know if it would be helpful to schedule a brief check-in call for later this week or early next to discuss.

Thanks,

Dennis

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**From:** Andrew Wirmani <[andrew.wirmani@rm-firm.com](mailto:andrew.wirmani@rm-firm.com)>

**Sent:** Friday, December 20, 2024 5:45 PM

**To:** Howe, Dennis D. <[dhowe@kellogghansen.com](mailto:dhowe@kellogghansen.com)>

**Cc:** Megan Rapp <[mrapp@srg-law.com](mailto:mrapp@srg-law.com)>; Grody, Michael J. <[mgrody@kellogghansen.com](mailto:mgrody@kellogghansen.com)>

**Subject:** [EXTERNAL] Re: NWAP Subpoena in FTC/USAP case

Dennis,

This link should have the natives.

Best

Andrew

[ShareFile](#)

[rm-firm.sharefile.com](http://rm-firm.sharefile.com)

Reese Marketos LLP

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On Dec 20, 2024, at 10:06 AM, Howe, Dennis D.

<[dhowe@kellogghansen.com](mailto:dhowe@kellogghansen.com)> wrote:

[EXTERNAL EMAIL]

Hi Andrew – Thanks for this production. However, it looks like there is a technical issue, as a number of the documents say “Produced Natively,” and the “Natives” file is empty. Could you please try reloading the production?

Thanks,

Dennis

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**From:** Andrew Wirmani <[andrew.wirmani@rm-firm.com](mailto:andrew.wirmani@rm-firm.com)>

**Sent:** Thursday, December 19, 2024 10:28 AM

**To:** Howe, Dennis D. <[dhowe@kellogghansen.com](mailto:dhowe@kellogghansen.com)>

**Cc:** Megan Rapp <[mrapp@srg-law.com](mailto:mrapp@srg-law.com)>; Oppenheimer, Bradley E.

<[boppenheimer@kellogghansen.com](mailto:boppenheimer@kellogghansen.com)>

**Subject:** [EXTERNAL] Re: NWAP Subpoena in FTC/USAP case

Dennis,

The sharefile link below contains RFP materials that we are producing pursuant to the subpoena. This production is made subject to our existing objections.

Best

Andrew

[ShareFile](#)

[rm-firm.sharefile.com](http://rm-firm.sharefile.com)

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On Dec 13, 2024, at 9:55 AM, Howe, Dennis D.

<[dhowe@kellogghansen.com](mailto:dhowe@kellogghansen.com)> wrote:

[EXTERNAL EMAIL]

Thanks Andrew. I will set a call for Friday at 1PM ET. Look forward to speaking with you then.

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**From:** Andrew Wirmani <[andrew.wirmani@rm-firm.com](mailto:andrew.wirmani@rm-firm.com)>

**Sent:** Friday, December 13, 2024 10:28 AM

**To:** Howe, Dennis D. <[dhowe@kellogghansen.com](mailto:dhowe@kellogghansen.com)>

**Cc:** Megan Rapp <[mrapp@srg-law.com](mailto:mrapp@srg-law.com)>; Oppenheimer, Bradley E. <[boppenheimer@kellogghansen.com](mailto:boppenheimer@kellogghansen.com)>

**Subject:** [EXTERNAL] Re: NWAP Subpoena in FTC/USAP case

Dennis,

Thursday or Friday after 10:30 work best of me.

Best

Andrew

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On Dec 13, 2024, at 8:08 AM, Howe, Dennis D.

<[dhowe@kellogghansen.com](mailto:dhowe@kellogghansen.com)> wrote:

[EXTERNAL EMAIL]

Thanks Andrew. Can we get a 30-minute call on the calendar next week to discuss? I'm broadly available Wednesday Thursday Friday.

Best,

Dennis

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**From:** Andrew Wirmani <[andrew.wirmani@rm-firm.com](mailto:andrew.wirmani@rm-firm.com)>

**Sent:** Thursday, December 12, 2024 4:02 PM

**To:** Howe, Dennis D. <[dhowe@kellogghansen.com](mailto:dhowe@kellogghansen.com)>

**Cc:** Megan Rapp <[mrapp@srg-law.com](mailto:mrapp@srg-law.com)>;

Oppenheimer, Bradley E.

<[boppenheimer@kellogghansen.com](mailto:boppenheimer@kellogghansen.com)>

**Subject:** [EXTERNAL] Re: NWAP Subpoena in

FTC/USAP case

Dennis,

Apologize for the delay. We believe the initial documents were sufficient as to the requests they were responsive to.

The MIPS data is a mess so we are sorting through that and reviewing the RFPs and intend to produce.

As for the contracts, we have begun the process of making written requests of the facilities and providers. This is a cumbersome process so the timing will depend largely on the responses we receive.

Happy to discuss.

Best

Andrew

Reese Marketos LLP

**Andrew Wirmani**

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On Dec 10, 2024, at 2:02 PM,

Howe, Dennis D.

[<dhowe@kelloggghansen.com>](mailto:dhowe@kelloggghansen.com)

wrote:

[EXTERNAL EMAIL]

Andrew,

I'm writing to follow-up with you about USAP's subpoena to NWAP. While we appreciated NWAP's initial production, it was insufficient, consisting only of the constituent parts of NWAP's billing policy, a few emails with the FTC, and an index of NWAP's facility and payor contracts.

As discussed on our November 21 meet-and-confer, USAP needs NWAP to produce its facility and payor contracts in their entirety, as other recipients of USAP's subpoenas have done. While we understand that your client has expressed confidentiality concerns with doing so, we think those concerns are comprehensively addressed by the stringent Protective

Order entered in this case. And while we understand that these contracts may contain notice and/or consent provisions, USAP simply requests that NWAP begin the process of fulfilling those requirements as necessary to produce the contracts.

You mentioned on November 21 that you would take this back to your client. We also discussed USAP's request for formal bids/responses to hospital or facility RFPs, as well as MIPS data. Have you had a chance to discuss these requests with your client, and will NWAP agree to produce these materials?

Let me know whether it would be helpful to schedule a short call later this week to discuss.

Thank you,  
Dennis

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**From:** Andrew Wirmani

<[andrew.wirmani@rm-firm.com](mailto:andrew.wirmani@rm-firm.com)>

**Sent:** Tuesday, November 12, 2024  
2:30 PM

**To:** Howe, Dennis D.

<[dhowe@kellogghansen.com](mailto:dhowe@kellogghansen.com)>

**Cc:** [Megan.Rapp@keanmiller.com](mailto:Megan.Rapp@keanmiller.com)

**Subject:** [EXTERNAL] Re: NWAP  
Subpoena in FTC/USAP case

Dennis,  
Please see initial production below.  
For tomorrow, how about 3:00  
central?

[ShareFile](#)  
[rm-firm.sharefile.com](http://rm-firm.sharefile.com)

Best

Andrew

Reese Marketos LLP

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Dallas, Texas 75201

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(214) 382-3054

On Nov 12, 2024, at  
11:03 AM, Howe,  
Dennis D.

<[dhowe@kellogghansen.com](mailto:dhowe@kellogghansen.com)>

wrote:

Sure thing Andrew, what  
time works?

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**From:** Andrew Wirmani

<[andrew.wirmani@rm-firm.com](mailto:andrew.wirmani@rm-firm.com)>

**Sent:** Tuesday, November  
12, 2024 11:53 AM

**To:** Howe, Dennis D.

<[dhowe@kellogghansen.com](mailto:dhowe@kellogghansen.com)>

**Cc:** Megan Rapp

<[mrapp@srg-law.com](mailto:mrapp@srg-law.com)>

**Subject:** [EXTERNAL] Re:

NWAP Subpoena in

FTC/USAP case

Dennis,

Can we kick our call to  
tomorrow? We are  
trying to get some  
documents to you today  
which should make the  
discussion more  
relevant.

Best

Andrew

Reese Marketos LLP

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